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FOR EAP/MTS

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TAGS: [PGOV](#) [PREL](#) [KDEM](#) [KJUS](#) [MY](#)

SUBJECT: ANWAR'S AIDE DETAINED UNDER OFFICIAL SECRETS ACT

Summary

1. (SBU) Malaysian police on July 13 arrested Nathaniel Tan, an aide to Anwar Ibrahim and an activist within the opposition People's Justice Party (KeADILan or PKR), and on July 14 remanded Tan for four days under the Official Secrets Act (OSA). According to initial reports, the charges relate to information posted on Tan's website related to a corruption case, rather than Tan's role as secretary to Anwar in Anwar's capacity as chairman of the U.S.-supported Foundation for the Future. Opposition politicians and local NGOs expressed concern that Tan's arrest could signal a government effort to clamp down on cyberspace, while others speculated it could be an effort to disrupt PKR before the coming elections. Tan will have his next court hearing on July 17 at the expiration of his initial detention period. End Summary.

Prominent Blogger Arrested

2. (SBU) Nathaniel Tan, a prominent blogger, an aide of former Deputy Prime Minister Anwar Ibrahim and the editor of opposition PKR's online newspaper "Suara KeADILan" was detained by the police July 13 and remanded the next day for four days for violating the OSA. According to press reports, Tan's remand for investigation related to possible violation of Section 8 of the OSA Official Secrets Act 1972, which concerns "wrongful communication, etc. of official secret." The police reportedly are questioning Tan in connection to an Anti Corruption Agency (ACA) investigation against Deputy Internal Security Minister Johari Baharom based on allegations on an anonymous website entitled, "The Most Powerful but Corrupted Deputy Minister." This site claimed that the deputy minister received huge bribes to free several detainees held under the Emergency Ordinance. Tan's lawyers have filed an appeal against the remand order, which the court will address on July 17 when Tan's initial four-day detention expires.

3. (SBU) Tan had posted the comment made by an individual on Tan's blog ("www.jelas.info") in which the individual had re-published three paragraphs found in the anonymous website implicating Johari. In his blog, Tan had qualified himself by pointing out that he cannot publish the rest of the comment by the individual as, "the sources were unattributed and the information unverified." Tan added that readers can visit "the author's site, where the exact same information is posted." When arresting Tan, the police took away documents, computer disks and computers from Tan's office, home and car. According to one source, documents included some related to the Foundation for the Future.

14. (U) Deputy Minister Johari Baharom was recently cleared by the ACA on the corruption allegation posted on the anonymous website and Attorney General Chambers ordered the investigation to be closed. According to online news source Malaysiakini, the police are also seeking the individual who posted the original comment in the anonymous website. If convicted, Tan would face a mandatory jail term of at least one year to a maximum of seven years. The arrest came just two days after the Multimedia and Communication Commission (MCMC) decided to investigate another blogger and PKR Information Chief Tian Chua for publishing a digitally manipulated photo of the deputy Prime Minister dining with a Mongolian murder victim and one of the accused.

15. (SBU) One of Tan's lawyers told poloffs that Tan's arrest for OSA investigation is "a farce." He argued that the reason given by the police was "totally unacceptable" as numerous other websites also included a link to the anonymous website that contained the corruption allegations, but police had not targeted the other sites. The lawyer speculated that the authorities detained Tan, "to get more information on the Foundation for the Future." Anwar Ibrahim, whose July 13 press release first identified Tan as his secretary in his role as Chairman of the Foundation for the Future, strongly condemned Tan's arrest in his publicized remarks. He called on the Inspector General of Police Musa Hassan (who incidentally was the chief investigating officer when Anwar was arrested for corruption and sodomy in 1998) to explain immediately "on what grounds Nathaniel is being detained." Another theory circulating in opposition circles is that Tan's arrest reflects an attempt to disrupt PKR ahead of the coming elections.

Reactions Focus on Defense of Cyberspace

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16. (U) Opposition Member of Parliament Lim Kit Siang commented that Tan's detention could be a signal that the government is planning to clamp down on bloggers who have been exposing official corruption and abuses in their blogs. Local NGOs also condemned Tan's detention and urged PM Abdullah's government not to restrict freedom of speech in cyberspace. A leader of the Center of Independence of Journalism told poloffs that the detention "is a form of intimidation against a blogger who has differing view from that of the government" and Tan's prolonged detention "sends a chilling effect to other bloggers and is a form of indirect censorship." Human rights NGO Suaram echoed CIJ's concern and added that the police should stop the practice of "arrest first and investigate later."

Comment

17. (SBU) If the police rationale for Tan's arrest remains unchanged, this would be the first case known to us of the government arresting a blogger for internet activities. Several other prominent bloggers now face civil suits for information they have posted online. We will learn more after Tan's July 17 hearing.

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